HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 5323 OF 2007

DATED: 15.3.2007

Between:

Konkimalla Chandra Sekhara Rao and others

… Petitioner

and

Government of A.P., represented by its
Principal Secretary, Revenue Department and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.5323 OF 2007

ORAL ORDER:

Notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') has been issued on 8.2.2007, proposing acquisition of the specified lands for the purpose of road widening, within the limits of Jaggaiahpet municipality. Urgency under Section 17 (4) of the Act was invoked and the enquiry under Section 5-A of the Act was dispensed with. The petitioners' lands are among those proposed for acquisition.

Widening of the road is an acquisition purpose that is preceded by considerable planning and outlay of funds. It could not have been an overnight decision. The opportunity afforded to the affected landowners to lodge objections to the acquisition process is a salutary provision and cannot be jettisoned on the whim and caprice of the regulator or the competent authority invested with the powers of acquisition.

On the aforesaid analysis, the invocation of urgency and

dispensing with the enquiry under Section 5-A of the Act is seen to be irrational and perverse. This decision is accordingly declared as irrational.

The second respondent is directed to issue notice to the petitioners, soliciting objections under Section 5-A of the Act; receive and consider their objections filed within the time afforded and thereon shall pass a considered order dealing with their objections. The decision of the 2nd respondent shall also be communicated to the petitioners by "Registered Post Acknowledgment Due". Till then, the petitioners shall not be dispossessed.

The writ petition is disposed of. No order as to costs.

GODA RAGHURAM, J

Date: 15.3.2007

Note: Wire at party's cost.
Bo cvm